

REMARKS:

This paper is herewith filed in response to the Examiner's final Office Action mailed on January 5, 2010 for the above-captioned U.S. Patent Application. The above office action is a rejection of claims 1-22 and 24-30 of the application.

More specifically, the Examiner has objected to claims 8-13 and 15 because the language of the claims makes optional a step but does not require a step to be performed and does not limit the claim to a particular structure; rejected claims 1, 2, 8-9, 15-16, 19, and 24-25 under 35 USC 103(a) as being unpatentable over by Forssell (EP1006695) in view of Simard (US6,940,826) and Powers (US7,272,660); rejected claims 3 and 26 under 35 USC 103(a) as being unpatentable over Forssell in view of Simard, Powers, and further in view of Upp (US2004/0002351); rejected claims 4-5, 10, 20, and 27-28 under 35 USC 103(a) as being unpatentable over Forssell in view of Simard, Powers, and further in view of Lechleider (US6,058,109) and Rinchiuso (US2004/0196861); rejected claim 12 under 35 USC 103(a) as unpatentable over Forssell in view of Simard; rejected claim 13 under 35 USC 103(a) as being unpatentable over Forssell in view of Simard and further in view of Upp; rejected claim 14 under 35 USC 103(a) as being unpatentable over Forssell, Simard, and further in view of Kajizaki; rejected claims 17-18 under 35 USC 103(a) as being unpatentable over Forssell in view of Simard, Powers, and further in view of Schieder; rejected claim 22 under 35 USC 103(a) as being unpatentable over Forssell in view of Simard; The Applicants respectfully traverses the rejections.

Further, the Applicants note that the Examiner has indicated that claims 6, 7, 11, 21, 29, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations in the base claim and any intervening claims. The Applicants thank the Examiner for this indication of allowance.

Claims 1-2, 8-9, 12, 15-16, 22, 24, and 25-26 have been amended. Claim 11 has been cancelled. Support for the amendments can be found at least on page 6, lines 2-32 and page 8, lines 13-18 of the application as filed. No new matter is added.

INTERVIEW SUMMARY

This section is in reply to a PTOL-413 mailed on January 26, 2010 regarding an Interview held on Friday, January 20, 2010 with the following attendees: Examiner Joshua Smith and Applicant's Representative John A. Garrity Registration No. 60,470. The Applicant's Representative agrees with the substance recited in that PTOL-413. This Interview Summary is seen to be a complete response this PTOL-413 or any other form related to this interview. The Applicant's Representative thanks the Examiner for the interview.

Although the Applicant does not expressly or impliedly agree with the rejections, the Applicant submits that in order to facilitate the prosecution of this patent application towards allowance each of the independent claims 1, 8, 12, 15, 22, and 24 have been amended in a somewhat similar fashion to include features of allowable claim 11. The Applicants note that, as proposed by the Applicant's Representative during the Interview on January 20, 2010, the limitations of the intervening claims 9 and 10 have not been similarly amended into the independent claims. The Applicants note that claim 10 relates to a frequency at which the post speech packets are sent and claim 9 relates to sending the post speech packets to prolong a downlink by sending post speech packets to at least one terminal. The Applicants respectfully submit that omitting the language of these intervening dependent claims does not preclude the allowability, as indicated in the Office Action, of the features recited of former claim 11 and now recited in claim 1.

The Applicants submit that at least the amended independent claims 1, 8, 12, 15, 22, and 24 are patentably distinguishable from the references cited.

The Applicants submit that none of the references cited disclose or suggest at least where independent claims 1, 8, 12, 15, 22, and 24 have been amended to similarly relate to at least one post-speech packet includes information intended for a user of at least one receiving terminal. The Examiner is respectfully requested to allow these claims.

First, regarding the rejection of independent claim 1, the Applicants note that in the Office Action the Examiner admits: "Forssell fails to teach keeping up a dedicated channel downlink from a core network by sending post-speech packets for a time of duration," (see page 3 of the Office Action). Thus, the Applicants submit that, as admitted by the Examiner, Forsell does not involve using post-speech packets.

Further, the Applicants note that Simard as cited discloses:

"Alternatively, the talker selection algorithm could transmit empty voice data packets to the terminals within the voice conference when there are no talkers selected in order to maintain continuous packet transmission," (col. 9, lines 22-25).

Thus, according to Simard "empty voice data packets" are transmitted to terminals within the voice conference in order to maintain continuous packet transmission. The Applicants submit that Simard which relates to a wire-line teleconferencing only mentions that "empty" packets could be sent when "there are no talkers selected". The Applicants submit that these "empty" packets are not sent responsive to an end-of-speech packet (Column 9 lines 22-25).

Although the Applicants do not agreed to at least where the rejection asserts that Simard discloses keeping up the dedicated channel after a last speech sample packet is sent downlink from the core network by sending post-speech packets, as similarly stated above, the Applicants submit that the empty voice packets of Simard clearly do not disclose or suggest at least where claim 1 relates to post-speech packets including information intended for a user of at least one receiving terminal. The Applicants submit that there can not be found in Simard where it is disclosed or suggested that the "empty voice data packets" include any information for a user of a receiving terminal.

Further, the Applicants submit that Powers can not be seen to overcome the shortfalls of Forsell and Simard, as stated above. Also the Applicants respect fully reassert the arguments provided in the prior Response to Office Action filed September 15, 2009 that Powers is not proper prior art

to the present application because it is not in the same or neighboring technical field, at least not after the amendment of the independent claims to relate to a cellular communications network.

In the depicted system of Powers a web server periodically sends “a keep-alive” TCP/IP message to a client device for preventing a TCP/IP connection timeout. The Applicants submit that TCP/IP systems are not optimally used in applications where real-time properties of the communication connection are an important operational precondition. However, if the TCP/IP message of Powers would be used in the system of Forssell, though not agreed to as proper, then the result would be that transmission resources would be wasted in the capacity limited radio transmission system of Forssell.

The Applicant contends that in the system of Forssell, every time a data frame is transmitted the transmitting party can unambiguously define if a silent period is started, continued or stopped. And the transmitting party can also define the length of the next silent period. Any surplus data packets would deteriorate functioning of the system of Forssell. Therefore, the Applicant contends that a use of “any empty packets” of Simard or “keep-alive messages” of Powers are not needed in Forssell.

Moreover, the Applicants submit that Powers does not disclose or suggest at least where claim 1 relates to post-speech packets including information intended for a user of at least one receiving terminal.

In addition, the Applicants submit that none of the other references cited can be seen to overcome the shortfalls of Forssell, Simard, or Powers, as stated above.

Further, the Applicants contend that, for at least these reasons, even if the references were somehow combined, which is not agreed to as proper, the proposed combination would still fail to disclose or suggest claim 1. Therefore, the Applicants request that the rejection of claim 1 be removed and claim 1 be allowed.

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In addition, the Applicants submit that, for similar reasons, the foregoing amendments to the independent claims 8, 12, 15, 22, and 24. also place these claims in condition for allowance in view of the references cited. Therefore the Examiner is requested to remove the rejections and allow these claims.

Further, it is respectfully submitted that all dependent claims 2-7, 9-10, 13-14, 16-21, and 25-30 are allowable due to their dependence on an allowable independent claim 1, 8, 12, 15, and 24, respectively.

Further, the Applicants note that although the Applicants have not argued against all the rejection in the Office Action the Applicants do not acquiesce to the rejections. In addition, for at least the reasons already stated, the Applicants disagree with the Examiner's comments in the Response to Arguments section of the Office Action.

Based on the above explanations and arguments, it is clear that the references cited cannot be seen to disclose or suggest claims 1-10, 12-22 and 24-30. The Examiner is respectfully requested to reconsider and remove the rejections of claims 1-10, 12-22 and 24-30 and to allow all of the pending claims 1-10, 12-22 and 24-30 as now presented for examination. Should any unresolved issue remain, the Examiner is invited to call Applicants' representative at the telephone number indicated below.

Respectfully submitted:



John A. Garrity

3/23/2010
Date

Reg. No.: 60,470

Customer No.: 29683

HARRINGTON & SMITH ATTORNEYS AT LAW, LLC